UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- X

SHEET METAL, AIR, RAIL, AND
TRANSPORTATION WORKERS LOCAL UNION NO.
137 AND BOARD OF TRUSTEES OF THE
INTERNATIONAL ASSOCIATION OF SHEET   REPORT AND
METAL, AIR, RAIL, AND TRANSPORTATION   RECOMMENDATION
WORKERS LOCAL UNION NO. 137 INSURANCE
PLAN, ET AL.,   2014-3567 (JBW) (MDG)

                    Plaintiffs,

          - against -

SIGNAL SIGN COMPANY, LLC,

                    Defendant.

- - - - - - - - - - - - - - - - - - - X

GO, United States Magistrate Judge:

     This action has been referred to me for pretrial supervision.

Plaintiffs commenced this action on June 6, 2014. Because the

defendant had not appeared and no appropriate return of service had

been filed, by order dated September 8, 2014, I directed plaintiffs

to complete service and file returns by October 4, 2014. Although

plaintiff failed to file a return of service by this date, by

electronic order dated October 29, 2014, I extended plaintiffs'

time to serve the defendant to November 12, 2014, and warned

plaintiffs that if service was not completed by that date, I would

recommend dismissal pursuant to Rule 4(m) of the Federal Rules of

Civil Procedure. Plaintiffs failed to do so and did not submit an

application for leave to extend the time for service.

     I therefore respectfully recommend that this Court, sua

sponte, dismiss this action without prejudice for failure to

effectuate timely service within the 120 day period specified in Rule 4(m) of the Federal Rules of Civil Procedure.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned and the Honorable Jack B. Weinstein, by December 23, 2014. Failure to file objections within the specified time waives the right to appeal. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

SO ORDERED.

Dated: Brooklyn, New York
            December 2, 2014

/s/
_____
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE

No objection having been taken, the case is dismissed. So ordered

/s/ Weinstein
1/15/15

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